

RECOMMENDATION FROM METROPOLITAN AREA PLANNING COMMISSION
TO BOARD OF COUNTY COMMISSIONERS

PROPOSED AGENDA ITEMS : SCZ-0706 - Zone change from 'R-1' Suburban Residential to 'LC' Light Commercial, located south of 21st Street North on the west side of Ridge Road

PRESENTED BY: Marvin S. Krout, Director of Planning

PROPOSED AGENDA DATE: March 20, 1996

COMMISSION DISTRICT #4

MAPC Recommendation: Approve, subject to platting and recording the voluntary restrictive covenant (9-2).

Staff Recommendation: Deny 'LC' Light Commercial;
Approve, 'OC' Office Commercial, subject to platting within 1 year.

Background/Discussion: The applicant requests a zone change from the 'R-1' Suburban Residential District to the 'LC' Light Commercial District for a 0.73 acre unplatted tract of land located south of 21st Street North on the west side of Ridge Road (2105 N. Ridge Road). The subject property is currently developed with a single family home and is located adjacent to the Wichita City Limits. No uses are currently proposed for the site; however, the contract purchaser has indicated that the site could potentially be developed with a strip retail center.

The subject property is bordered by single family homes to the north on property zoned 'LC'. The site is also bordered by the County's Extension Education Center to the east, a drainage ditch and single family homes to the south, and single family homes to the west. The Barrington Corner Commercial Community Unit Plan (DP-188) is located northwest of the applicant's property and has partially developed with two fast food restaurants with frontage onto 21st Street. The CUP includes requirements for a masonry wall where adjacent to residential zoning and has limitations on the size and height of signage along 21st Street where near residential zoning. Also, no portable or off-site signs are permitted in the CUP. In addition, any restaurants or fast food restaurants located in the western portion of the CUP near residential zoning are prohibited from any outside broadcast speaker systems.

Although located adjacent to the Wichita city limits and a Community Unit Plan, the site is still located in the county. At the time of platting, annexation to Wichita will

be required. Therefore, when the site is redeveloped it will be subject to the City's Landscape Ordinance and screening requirements of the Zoning Code. However, the property would not be subject to any CUP requirements, such as use limitations, sign controls, masonry wall requirement, etc. to ensure that development on the site will be compatible with the area and will not have a detrimental impact upon nearby residential properties.

In many locations throughout Wichita, nonresidential properties not included in CUPs, tend to serve as a transition between the CUP (usually zoned 'LC') and residential uses. These transition properties are typically zoned 'BB' Office District or 'OC' Office Commercial. In the proposed "Unified Zoning Code for Wichita-Sedgwick County", the 'BB' District will be renamed the 'GO' General Office District, with only very minor changes to the regulations of that zoning district. The 'OC' District will convert to the 'NR' Neighborhood Retail District in the new Zoning Code, which is proposed to include a wider range of commercial uses than the existing 'OC' District. The 'NR' District would permit uses such as general retail, banks, offices, and restaurants not exceeding 2,000 square feet in gross floor area. Delivery and carry-out services would also be permitted in the 'NR' District. However, no drive-up window service or in-vehicle food service would be permitted.

The 'NR' District is planned to have the same sign requirements as the existing 'OC' District, which is more limited than 'LC' and is considered to be more compatible for properties when located adjacent to residential zoning. The more restrictive sign requirements would be consistent with the sign restrictions on the Commercial CUP along 21st Street where adjacent to residential zoning.

At the MAPC meeting on February 15, 1996, two letters of support were submitted by owners of property to the north zoned 'LC'. Also, one area property owner spoke in opposition to the zone change. The resident expressed concerns about turn conflicts for traffic along Ridge Road and the lack of adequate buffers for adjacent residential properties. After the public testimony, the contract purchaser volunteered a restrictive covenant to require a minimum six foot solid masonry wall to be constructed along the west and south property lines if the 'LC' zoning is approved. Since the subject property will be annexed to Wichita when it is platted, the proposed covenant will likely be accepted by the Wichita City Council and would be referenced on the zoning map as a Protective Overlay (PO).

After discussion, the MAPC voted to recommend approval of the 'LC' zoning with the voluntary restrictive covenant.

Since the MAPC hearing, over 30 protest petitions were filed by the residential property owners to the south and west of the subject property. However, since many of the protesting properties are located beyond the 200 foot notification area within the city, a valid protest was not obtained. Therefore, a supermajority vote of the governing body will not be required to approve the proposed rezoning.

Recommended Action:

1. Adopt the findings of fact of the Metropolitan Area Planning Commission and approve the zone change subject to the condition of platting and recording the voluntary restrictive covenant; adopt a resolution and authorize the chairman to sign; and instruct the Planning Department to withhold publication until the plat has been recorded with the Register of Deeds; or
2. Return to the Planning Commission for reconsideration.

(An override of the Planning Commission's recommendation requires a 2/3rd majority vote of the membership of the governing body on first hearing).

Applicants: Richard D Robertson 2105 N Ridge Road Wichita KS 67212
Edward J Roberts 4015 W 13th Street Wichita KS 67212

Protestors: Rodney Barr 7210 W Barrington Wichita KS 67212

RESOLUTION NO. 50-1996

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED IN SECTION 7.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section 17.C of the Zoning Regulations, the zoning district of the lands legally described below are hereby changed as follows:

Case No. SCZ-0706

Zone change request from 'R-1' Suburban Residential to 'LC' Light Commercial on property described as:

A tract beginning 581 feet North of the Southeast corner of the North Half of the Northeast Quarter of Section 9, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence West parallel with the North line of said Northeast Quarter, 300 feet; thence North 123.55 feet; thence East 300 feet; thence South 123.55 feet to point of beginning, generally located south of 21st Street North on the west side of Ridge Road (2105 N. Ridge).

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

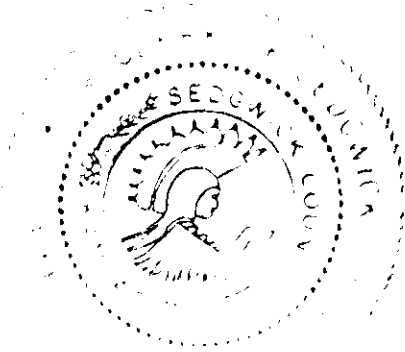
SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN
PAUL W. HANCOCK
THOMAS G. WINTERS
MELODY C. MILLER
MARK F. SCHROEDER

Aye
Aye
Aye
-NO-
Aye

DATED this 20th day of March, 1996.



BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

Thomas G. Winters

THOMAS G. WINTERS, Chairman

ATTEST:

Susan E. Crockett-Spoon
SUSAN E. CROCKETT-SPOON
County Clerk

APPROVED AS TO FORM ONLY:

Lucian Ellison
Assistant County Counselor